

ASPLUNDH,)	AGBCA No. 2003-174-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Peter H. Fengler, Manager)	
Municipal Division)	
Asplundh)	
708 Blair Mill Road)	
Willow Grove, Pennsylvania 19190-1784)	
)	
Representing the Government:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

November 25, 2003

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal, received at the Board July 2, 2003, arises out of Contract No. 53-6395-1-C-28, Asian Long-Horned Beetle Inspection Program for Kings County, New York, between Asplundh of Willow Grove, Pennsylvania (Appellant), and Animal and Plant Health Inspection Service (APHIS), an agency of the U.S. Department of Agriculture. Appellant appealed the Contracting Officer's failure to issue a decision, on its outstanding claim to recover \$301,967.80, within a reasonable period following 60 days from submission of the claim.

The Board has jurisdiction to decide the appeal pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended.

Upon receipt of the appeal, the Board notified the parties of docketing and allowed Appellant 30 days in which to file a complaint. By letter of August 1, 2003, Appellant sought a two-week extension of the filing deadline as the parties were engaged in settlement discussions. The Board granted the requested extension and a subsequent extension as well.

Appellant has now furnished the Board with a settlement agreement signed by both parties and has requested dismissal with prejudice.

DECISION

The appeal is hereby dismissed with prejudice.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
November 25, 2003